

This Page Is Inserted by IFW Operations
and is not a part of the Official Record

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

IMAGES ARE BEST AVAILABLE COPY.

**As rescanning documents *will not* correct images,
please do not report the images to the
Image Problem Mailbox.**

REMARKS

Claims 1 and 3 are pending in the above identified application and have been amended. Claims 10 and 11 have been newly added. Claim 4 has been canceled, although Applicants reserve the right to file a timely divisional or continuation application directed toward this subject matter at a later date. Claims 1 and 3 are rejected under 35 U.S.C. § 112, first paragraph, and claim 3 is objected to as requiring two components. Applicants respectfully submit that amended claims 1-3 are in condition for allowance for at least the reasons articulated below.

I. OBJECTIONS

Abstract

The Examiner objects to the abstract and requests that it be one paragraph in length. In response, Applicants respectfully amend the abstract in satisfaction of MPEP §608.01(b). Applicants respectfully request that objection on this basis be withdrawn.

Claim 3

The Examiner objects to claim 3 on the basis that compositions require at least 2 components and suggests that amending claim 3 to include a “carrier” would obviate this objection. Applicants adopt the Examiner’s suggestion and amends claim 3 accordingly. Applicants respectfully request that objection on this basis be reconsidered and withdrawn.

II. REJECTION UNDER 35 U.S.C. § 112, FIRST PARAGRAPH

Written Description

Claims 1 and 3 are rejected under 35 U.S. C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession

of the claimed invention. In particular, the Examiner states that no written description of any different NT-7 polypeptides that can be structurally envisioned by one skilled in the art are disclosed within the specification, including what structurally constitutes a single “functional variant, analogue and functional fragments” thereof.

Applicants have amended claims 1 and 3 by deleting the phrase “functional variant, analogue and functional fragments.” Accordingly, Applicants believe that claims 1 and 3 are now in condition for allowance and respectfully requests that rejection on this basis be reconsidered and withdrawn.

Enablement

Claims 1 and 3 are rejected under 35 U.S. C. § 112, first paragraph, because the specification does not reasonably provide enablement for NT-7 polypeptides with no recited functionally characteristics, nor any biologically functional equivalents of such without specific structural and functional characteristics. The Examiner acknowledges, however, that the specification is “enabling for the carp NT-7 polypeptide of SEQ ID NO: 1, or functional variants thereof that increase survival and neurite outgrowth of embryonic chick DRG neurons.”

Applicants have amended claims 1 and 3 by deleting the phrase “functional variant, analogue and functional fragments.” Accordingly, Applicants believe that claims 1 and 3 are now in condition for allowance and respectfully requests that rejection on this basis be reconsidered and withdrawn.

II. REJECTION UNDER 35 U.S.C. § 102

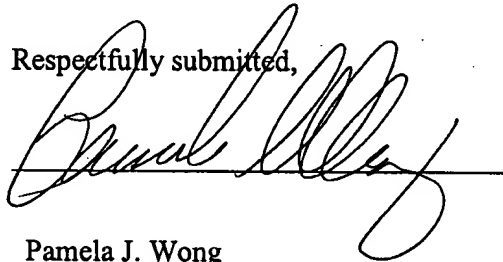
Claims 1 and 3 stand rejected under 35 U.S.C. §102(a) as being anticipated by Nilsson et al. The Examiner does not consider the §1.131 Declaration by Ip filed on 4/06/01 under 37 CFR 1.131 sufficient because the declaration was not signed by all the inventors. Applicants respectfully direct the Examiner's attention to the §1.131 Declaration signed by the application's only other inventor Lai, attached hereto as Exhibit A, attesting that the claimed subject matter was invented prior to the March 13, 1998 publication date of the Nilsson reference. Accordingly, Applicants respectfully request that rejection on this basis be reconsidered and withdrawn.

CONCLUSION

Applicants have enclosed appropriate fees to accommodate the fee for Petition for one month Petition for Extension of Time and Notice of Appeal; however, if further fees are required the Commissioner is hereby authorized to withdraw fees from Deposit Account No. 13-0480, referencing attorney docket number 32144183.9.

Applicants respectfully submit that this response places the present application in condition for allowance. Favorable Action is hereby requested. If a further telephone interview would be of assistance in advancing prosecution of the present application, the Examiner is requested to telephone the undersigned at the number provided below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Pamela J. Wong', is written over a horizontal line.

Pamela J. Wong
Reg. No. 54,765
Baker & McKenzie
2300 Trammell Crow Center
2001 Ross Avenue
Dallas, TX 75201
Telephone (619) 235-7792
Facsimile (214) 978-3099